



CRL OP(MD)No.22385 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.22385 of 2023

Theivarasu @ Thirumalai

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.640 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.Arun Prasad, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.640 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the



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offences punishable under Sections 5(1), 5(j)(ii) and 6 of the Protections of Child from Sexual Offences Act, 2012 in Crime No.640 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant, who is aged about 17 and half years, loved each other. On false promise, the petitioner had physical relationship with the defacto complainant and she is pregnant now. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was not present at the date of occurrence and he went abroad on 16.04.2023. That apart, the petitioner is also ready for DNA test, after the victim girl giving birth to the child. Hence, he seeks anticipatory bail.

4.This Court directed the learned Additional Public Prosecutor appearing for the respondent police to verify the above said fact. He filed the passport of the petitioner and also filed the medical report of the defacto complainant.

<https://www.mhc.tn.gov.in/judis>



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5.On perusal of the medical report of the defacto complainant, it is noticed that she is now 7 months pregnant. On perusal of passport records of the petitioner, it reveals that he went abroad on 16.04.2023 and he was not present in India and he is not responsible for the pregnancy of the victim girl. The petitioner also ready for DNA test.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner should available himself for DNA test, after the birth of the child.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for Children from Sexual Offences Act, Dindigul condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[a] the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on first working day of every English Calender month at 10.30 am., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
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/01/2024
Sub-Assistant Registrar (C.S. -I, II, III, IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1.The Judge, Special Court for Protection of Children from Sexual Offences Act Cases, Dindigul.
 - 2.The Inspector of Police,
Natham Police Station, Dindigul District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 cc to MR.A.ARUN PRASAD, Advocate SR-17849

ORDER
IN
CRL OP(MD) No.22385 of 2023
Date :15/12/2023

RK/VR (02/01/2024) 5P / 5C
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